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INFO RUEHAC/AMEMBASSY ASUNCION 7336
RUEHBO/AMEMBASSY BOGOTA 4704
RUEHBR/AMEMBASSY BRASILIA 8612
RUEHB/AMEMBASSY BUENOS AIRES 5839
RUEHCV/AMEMBASSY CARACAS 3056
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C O N F I D E N T I A L LA PAZ 003118

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E.O. 12958: DECL: 08/29/2017

TAGS: PHUM PGOV PREL BL

SUBJECT: DEMOCRACY IN BOLIVIA: EVO'S WAY OR THE HIGHWAY

Classified By: EcoPol chief Mike Hammer for reasons 1.4 (b) and (d).

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Summary

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¶1. (C) Pro-MAS groups physically prevented opposition members from entering Congress November 27. Without the opposition's presence the ruling Movement Toward Socialism (MAS) convened a session of Congress and passed new legislation regarding the functioning of the Constituent Assembly and "Renta Dignidad" (a MAS-proposed pension program). Under the new Constituent Assembly legislation the MAS can now call for the Assembly to meet wherever it sees fit, and allows for the MAS to vote on its constitution without opposition presence. The MAS' latest move is a clear demonstration that its version of democracy excludes any minority voices. The November 27 MAS political blitzkrieg took the opposition off-guard and opposition groups are struggling to come up with a coherent (and united) response. We can expect more democratic redlines to be crossed as Evo and the MAS are determined to push forward with their constitution. End Summary.

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Exclusionary Democracy 101
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¶2. (SBU) The Plaza Murillo (the square in front of Congress) and its environs were packed with pro-MAS protesters on November 27, only allowing MAS Congressional members to enter the Congressional palace. Without the opposition present, the MAS pulled together a quorum using two "alternate" Senators.

¶3. (C) Opposition Senator Oscar Ortiz (Santa Cruz, PODEMOS) told emboff that he was within 30 meters of Congress when he was blocked by pro-MAS protesters. A police officer on the scene told him that the police could not ensure his safety if he proceeded. According to Ortiz, an opposition colleague appealed to Vice President Alvaro Garcia Linera (who presides over Congress) to allow him safe entry to Congress. The Vice

President replied that the Senator would be welcome if he supported the MAS' bills, but would find it difficult to leave Congress if he opposed the MAS. Deputy Margoth Arriaga (Beni, PODEMOS) told another emboff that as a women she believed that the protesters would allow her to enter the Congressional building. Arriaga apparently waited until 1:00 AM but was never permitted entry.

¶4. (SBU) PODEMOS leader Jorge "Tuto" Quiroga announced on the evening news that the pro-MAS protesters had pictures of opposition Congressional representatives with explicit instructions not to let them into the Congress. Quiroga placed the blame for the blockade squarely on President Evo Morales stating, "How many parliamentarians does (Morales) want lynched to consolidate his tyrannical regime?" Morales had encouraged the blockade, even participating in a march for his "Renta Dignidad" on November 26. Peter Maldonado of the UN party -- who was prevented twice from entering Congress -- used a little ingenuity to finally evade the protesters. Maldonado explained how he bypassed the MAS blockade stating, "I had to borrow overalls and a construction helmet from a construction worker who was working in the Plaza Murillo, and then I entered without suspicion."

In With the New Laws, Out with the Old

¶5. (SBU) The new Constituent Assembly legislation permits the Assembly President (Silvia Lazarte of the MAS) to convoke the Assembly where ever she sees fit, even though previous legislation only provided for Sucre as the seat of the Assembly. The new legislation allows the MAS to convene the Constituent Assembly in a MAS-friendly location such as Oruro, or even El Alto. Vice President Alvaro Garcia Linera attempted to rationalize the MAS' decision by arguing that it did not change the Assembly's headquarters. Linera stated, "It's a law that does not touch the Constituent Assembly's headquarters . . . it continues to be Sucre . . . but to guarantee that a peaceful development of the sessions, it authorizes the Constituent Assembly president the power to call sessions of the Constituent Assembly in another department, if it is necessary."

¶6. (SBU) Although post has not seen the new legislation, we understand that it permits the MAS to review its draft constitution (approved November 24) without the presence of the opposition. The MAS will now be able to review its constitution article-by-article with two-thirds of the members present, rather than two-thirds of the entire Constituent Assembly. In other words, if the MAS manages to lock-out the opposition from the Constituent Assembly's next plenary session(s), as it did November 23-24, it could approve in detail its draft constitution without any opposition participation. The new legislation nullifies many prior agreements negotiated between MAS and opposition, and opens the way for the MAS to force through their constitution to a public referendum. It is unclear whether an earlier legislative requirement that the final ("en revision") vote on the constitution must be approved by two-thirds of all Constituent Assembly members is still in place.

Renta Dignidad Version 2.0

¶7. (SBU) The pro-MAS protesters at the Plaza Murillo on November 27 had originally occupied the square as a means to pressure the Senate to approve the MAS version of "Renta Dignidad." Renta Dignidad a MAS proposed pension program, takes money away from Prefecture (state) budgets to give all seniors (60 years and older) a 200 boliviano per month pension. The full Senate (including the opposition) had approved Renta Dignidad on November 23, without touching Prefecture budgets.

¶18. (C) For the MAS, the fiction of legality and democracy is the order of the day. Locking out the opposition from Congress and the Constituent Assembly, and using its political cannon fodder (campesino protesters) to enforce its lock outs is the MAS' new form of democracy. The November 27 MAS-only vote, indicates that Evo and his entourage view democracy more as a useful facade rather than as an essential tool for implementing their political project. Whatever their view of democracy is, the MAS has essentially closed-off what little chance for dialogue remained after the tragic events of November 23-24 in Sucre.

¶19. (C) Moving quickly and keeping the opposition off-balance is apparently part of the MAS' strategy. Opposition Congressional members have confided in emboffs that they were caught off-guard by the MAS' maneuverings in Congress. The opposition apparently failed to learn a lesson from November 23-24, when the MAS unilaterally moved the Constitution Assembly to a military base and approved its own constitution "en grande" (general terms) without the opposition's presence. Sources tell emboffs that the MAS will reconvene the Constituent Assembly November 30 with the intent of forcing through votes on its constitution as soon as possible. December 14 is the date the Assembly is supposed to finish; but, Evo likely wants the Assembly to complete its work before Brazilian President Luis Ignacio "Lula" Da Silva's December 10 visit. We are told that the opposition is working to get Lula to cancel his upcoming visit. Evo has called for a public event on December 15 so he can "deliver" the new constitution to the people. Once the Constituent Assembly approves the MAS constitution article by article and then in full, all that is left is a public referendum. By law there is a minimum of 90 days before the referendum can be held. However, the MAS' disregard for legal niceties means the referendum could very well happen sooner.

¶10. (C) Since caught flatfooted, the opposition is struggling to find a coherent response to the MAS' political blitzkrieg. Some within PODEMOS are arguing that the party should boycott the Assembly, arguing their attendance would give legitimacy to the MAS' undemocratic actions. Others in the opposition argue for attempting to attend the Assembly, even if they are ultimately blocked, in order to show the international community that the MAS has abandoned all forms of dialogue and has turned its back on democracy. If allowed to enter, given that it has more than the necessary one-third, the opposition could at least try to block the MAS' constitution. Unfortunately, according to an opposition Constituent Assembly insider, the various opposition parties are too busy fighting amongst themselves to come up with a unified plan.

¶11. (C) President Morales and his MAS party are comfortable changing the rules of the game whenever it suits them. The MAS has sidelined the Constitutional Tribunal, meaning there is no longer a judicial check on Evo's maneuverings. Even if the court does resume functioning December 3, Evo will stack it with interim appointments once the Senate goes on its mandatory recess. The opposition plans to keep the Senate in session as long as possible, to prevent Evo from making interim appointments, but the Senate will eventually have to take a recess.

¶12. (C) Meanwhile Evo and his followers have demonstrated a willingness to do whatever it takes to move forward to adopt their constitution and consolidate power. In addressing a GRULAC dinner, hosted by the Cuban ambassador on November 26, Evo made clear that he intends to push ahead. With no judicial authority to declare Evo's moves illegal or unconstitutional, the opposition is hoping that the international community will become involved to dissuade Morales from going any further. Opposition prefects in six of Bolivia's nine departments could take even sterner measures. End Comment.

